

06-O-0770

City Council
Atlanta, Georgia

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-06-30
Date Filed: 3-6-06

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at property located at **2415 and 3477 Kingsboro Road, N.E., 3437 and 3413 Oak Valley Road, N.E., 920 Wright Avenue, 3510, 3510 (Front), 3566, 3488, 3478, 3468, 3458, 3463, 3449, 3433, 3429 and 3425 Lakeside Drive and 3452, 3440, 3450, 3458 and 3474 Roxboro Road, N.E.** be changed from the PD-MU (Planned Development-Mixed Use), PD-OC (Planned Development-Office Commercial) and R-3 (Single-Family Residential) Districts to the PD-MU (Planned Development-Mixed Use) and PD-H (Planned Development-Housing) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 9 and 45, 17th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

CONDITIONS FOR Z-06-30 for 2415 and 3477 Kingsboro Road, N.E., 3437 and 3413 Oak Valley Road, N.E., 920 Wright Avenue, 3510, 3510 (Front), 3566, 3488, 3478, 3468, 3458, 3463, 3449, 3433, 3429 and 3425 Lakeside Drive and 3452, 3440, 3450, 3458 and 3474 Roxboro Road, N.E.

1. A site plan dated July 07, 2006 entitled "CityPlace at Buckhead" by Arquitectonica and marked received by the Bureau of Planning July 13, 2006
2. Landscaping will be provided as indicated on the approved applicable Site Plan and written conditions hereinafter defined for the above zoning application. Balconies, roof gardens, and similar non-ground level spaces shall not be included in calculating minimum landscape requirements. The minimum landscape requirements for CityPlace shall be 20.0% of the total lot area as defined in paragraph 2 Section 16-18L.010 of the Zoning Ordinance of the City of Atlanta. Total lot area will be calculated on the entire development area as a whole such that individual parcels within the development could fall below the minimum landscape requirement as long as the minimum landscape requirement is achieved for the entire development area. Pervious paving material will be utilized where feasible. Pervious joints shall be provided between all pavers on grade where feasible. Buffer areas and protected trees shall be marked using temporary chain link construction fencing no less than four feet in height prior to and maintained during the period of construction. All reasonable erosion control measures shall be installed outside any undisturbed buffer. Applicant shall provide adequate irrigation for all landscape modules.
3. Applicant, through the formation of each building's condominium association, will become a member of the Buckhead Area Transportation Management Association (BATMA) prior to the issuance of a certificate of occupancy for each building in the development and each building will pay its prorata contribution to the Buckhead Community Improvement District to fund BATMA (that percentage of the BCID contribution which goes to BATMA) at such time as BATMA shuttle service is provided to the building that has received a certificate of occupancy from the City of Atlanta. Parking garages and parking decks shall be van pool accessible, subject to the approval of the homeowner's association.
4. The Applicant shall provide the maximum of either (a) 25 bicycle parking spaces or (b) the number of bicycle parking spaces required by the City of Atlanta, whichever is greater. These spaces shall be located as close as practicable to the buildings while, in the developer's sole discretion, maintaining the architectural integrity of the buildings and their landscaping and hardscaping schemes.

5. Permanent storm water detention facilities shall be located below grade or will not be visible from the public right-of-way.. The project, upon completion, shall release storm water runoff at a rate equal to 60% or less of the predevelopment storm water runoff rate.

During construction, storm water runoff shall be limited to a rate not greater than the predevelopment storm water runoff rate. Should the City of Atlanta adopt a more restrictive storm water ordinance any area of the site not yet permitted shall be developed according to the more restrictive ordinance.

6. All dumpsters and other waste removal/holding service facilities shall be enclosed and located in the area of the parking deck labeled loading dock as set forth on the Site Plan. Dumpsters shall only be emptied between the hours of 7 a.m. and 9 p.m. on weekdays and 9 AM and 9 PM on Saturday and Sunday. Signage providing for the hours of dumpster removal, and prohibiting idling outside loading dock, and no queuing for space into loading dock shall be conspicuously posted at the loading dock.
7. Exterior lighting on buildings and parking decks shall be designed, shielded and constructed so as to minimize light spill into those existing surrounding residential structures more than 10 stories in height.
8. The Applicant shall request that the City re-time and coordinate the traffic signals in the vicinity of the property to optimize traffic progression including the intersection on Roxboro Road and Ferncliff and will request that transportation impact fees from this development be used for such work. Evidence of compliance with this condition shall be provided in writing to the Bureau of Planning at the initial application for a Special Administrative Permit.
9. Prior to the beginning of construction of each building, a construction management plan for construction traffic will be prepared and will be delivered to the Development and Transportation Committee Chair of NPU B and to the Director of the Bureau of Planning for review. Evidence of compliance with this condition shall be provided in writing to the Bureau of Planning at the initial application for a Special Administrative Permit.
10. These conditions of zoning shall be binding upon all successors and assigns of the Applicant. The subdivision, sale, or partition of all or any part of this property shall not alter the obligation of all owners of the property to comply with these conditions of zoning. The Applicant will not request any administrative Site Plan amendment under the provisions of Section 16-19.005(7)(b) which seeks to change any elements of the Site Plan approved herein without providing evidence that notice of such request has been given to the Chair of the Zoning Committee of NPU-B. However, the Applicant will have the right to request administrative changes under the provisions of Section 16-

19.005(7)(b) to the Site Plan without such notification so long as such changes are required to comply with technical permitting requirements of the City of Atlanta and do not:

- (a) increase the height or square footage of any building or the number and/or location of parking spaces;
 - (b) change any of the uses or location of said uses specified on the Site Plan;
 - (c) decrease any exterior setback or the amount of landscaped area;
 - (d) materially reduce public access or public spaces; or
 - (e) otherwise materially alter these conditions.
11. The Applicant shall request and support appropriate legislation that will require that all transportation impact fees generated from this development will be used to mitigate traffic in the area surrounding the development. Evidence of compliance with this condition shall be provided in writing to the Bureau of Planning at the initial application for a Special Administrative Permit.
12. The Applicant will request that an ordinance be introduced to change the City of Atlanta Comprehensive Development Plan designation of the property from Medium Density Residential (1-16 units per acre) to Medium Density Residential (0-8 units per acre) along Roxboro Road. Evidence of compliance with this condition shall be provided in writing to the Bureau of Planning at the initial application for a Special Administrative Permit.
13. Any dry cleaning facilities shall be a collection facility only. No dry cleaning facility will contain dry cleaning equipment within the proposed development.
14. The Applicant (including successors and assigns) will maintain the undeveloped property along the frontage on Kingsboro, Roxboro and East Paces Ferry Roads as a landscaped area. The area within 20' of the right-of-way of said roads shall be cleaned and maintained during the first phase of construction or sooner. The two houses on Roxboro Road shall be removed prior to the application for a building permit for the construction of any structure on site, except temporary construction and sales offices.

15. The thirty (30) foot wide pedestrian path between Building C and Building D, the greenspace and the grounds as shown on the Site Plan shall be maintained by the development's Master Homeowner's Association. The thirty (30) foot wide pedestrian path between Building C and Building D shall be open to the public to facilitate pedestrian activity between the hours of 6:00 a.m. and 10:00 p.m. The site plan for walkways and other connective measures shall be designed to connect and unify the development with existing and planned walkways to MARTA, Lenox Marketplace and Lenox Mall as well as within the development, as shown on the Site Plan.
16. The Applicant will request and support action by the City of Atlanta to improve the Rockhaven exit onto Roxboro Road by making it a clearly marked "Do Not Block Intersection" with some type of grid painted onto the road to identify the intersection. Evidence of compliance with this condition shall be provided in writing to the Bureau of Planning at the initial application for a Special Administrative Permit.
17. The Townhouse units along Roxboro Road as depicted in the Site Plan shall be oriented with front doors facing Roxboro Road. The Townhouse units along Oak Valley Road as depicted on the Site Plan shall be oriented with front doors facing Oak Valley Road.
18. Any above-grade retaining wall running along Roxboro Road shall have a brick, stone or stucco (not EIFS) face and shall not exceed four (4) feet in height.
19. Shades trees (the "Roxboro Trees") of no less than four (4) inch caliper (as measured twelve inches above the root ball) shall be planted along the entire Roxboro Road boundary along the sidewalk between Townhouse Units and Roxboro Road. Each tree as part of the tree plantings shall be spaced no more than thirty five (35) feet apart, subject to the requirements and approval of the City Arborist.
20. Any fence permitted by the City of Atlanta along Roxboro Road shall be predominantly open, made of wrought iron and supported by stone, stucco (not EIFS) and/or brick pillars no taller than seven (7) feet, and the fence shall not be at any point taller than six (6) feet, other than the Entrance Feature shown on the approved Site Plan.
21. The thirty (30) foot wide walkway between Building C and Building D connecting Lakeside Drive with Wright Avenue will be constructed at the time that either Tower C or Tower D is constructed, whichever comes first.

22. Subject to the approval of the City of Atlanta Department of Public Works, the portion of Wright Avenue between Lakeside Drive and Roxboro Road, as shown on the Site Plan, will be built at the earlier of:

- (1) The construction of any three residential buildings; or
- (2) The construction of Tower D; or
- (3) The construction of Tower E; or
- (4) The construction of Tower F; or
- (5) The construction of the Club; or
- (6) The construction of the Townhomes along Roxboro Road.

23. Subject to the approval of the City of Atlanta Department of Public Works, sidewalks along public rights-of-way will be phased in the following manner for construction:

- (1) Oak Valley Road from Kingsboro Road to Wright Avenue (will be installed at the construction of Tower A or Tower B, whichever comes first).
- (2) Wright Avenue, north side, from Oak Valley Road to Lakeside Drive (will be installed at the construction of Tower c or Tower D, whichever comes first).
- (3) Lakeside Drive, northeast side, south of Wright Avenue (will be installed at the construction of Tower F or Tower G, whichever comes first).
- (4) East Paces Ferry Road, north side (will be installed at the construction of Tower I).
- (5) Roxboro Road, southwest side (will be installed at the construction of the Townhomes fronting on Roxboro Road).
- (6) Lakeside Drive, southwest side, north of Wright Avenue (will be installed at the construction of Tower H or Townhomes fronting on Lakeside Drive, whichever comes first).

24. Construction phasing of the project will be developed to limit land disturbance of the total site area with consideration to balancing earthwork quantities on site.
25. The land encompassed by the Site Plan shall be comprised of two zoning districts, PDMU and PDH. The Site Plan does not include proposed lot divisions within the PDMU and PDH districts. Land included with the proposed PDMU and PDH districts may be divided by property lines and real property interests may be granted or conveyed in a manner not shown on the Site Plan. Resulting FAR, Total Open Space, Useable Open Space, parking, loading and other requirements based on lot sizes and configurations for each subdivided parcel may vary from the overall site calculations shown on the Site Plan. In no event, however, shall any of the lot divisions, conveyances or reconfigurations contemplated herein by this provision result in the requirements for the total combined development as a whole, as shown on this site plan, being exceeded. In addition, land within the Site Plan may be divided with property lines within the proposed PDMU and PDH districts without regard for the requirement of an independent driveway contained within Section 16-28.006(10) as long as access by easement or shared fee simple interest or the like exists to a publicly dedicated right-of-way.
26. Prior to the time that the Applicant purchases the land within the right-of-way which is the subject of the proposed Lakeside Drive abandonment within the subject property, the Applicant will dedicate property, as more particularly described on the site plan referenced in Condition # 1. attached hereto as Exhibit "A", to the City of Atlanta for right-of-way widening purposes. This property, to be appraised at fair market value, will be a system improvement, which will offset the purchase price of the right-of-way property proposed for abandonment and sale to the Applicant in the proposed Lakeside Drive abandonment. Lakeside Drive, at the curb on the opposite side of the Subject Property's frontage on Lakeside Drive, will be used for on-street parking and/or service vehicles. Any relocation of proposed structures contemplated in this development that is made necessary by the implementation of this condition shall be subject to administrative approval by the Bureau of Planning under Section 16-19.005(7)(b) without notification to the neighbors.

City Council
Atlanta, Georgia

06-0770

AN ORDINANCE
BY: CARLA SMITH



Z-06-30
Date Filed: 3-6-06

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **3415 and 3477 Kingsboro Road, N.E., 3437 and 3413 Oak Valley Road, N.E., 920 Wright Avenue, 3510, 3510 (front), 3566, 3488, 3478, 3468, 3458, 3463, 3449, 3433, 3429 and 3425 Lakeside Drive and 3452, 3440, 3450, 3458 and 3474 Roxboro Road, N.E.,** be changed from the PD-MU (Planned Development-Mixed Use), PD-OC (Planned Development-Office Commercial) and R-3 (Single family Residential) Districts to the PD-MU (Planned Development-Mixed Use) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 9 and 45, 17th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

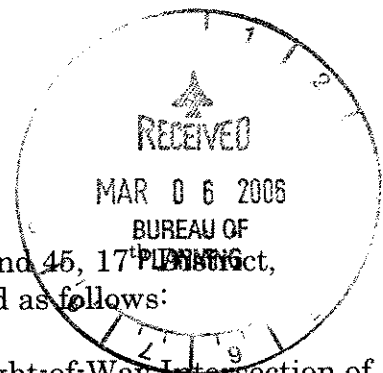
SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 9 and 45, 17th PLANNING District, Fulton County, Georgia, and being more particularly described as follows:

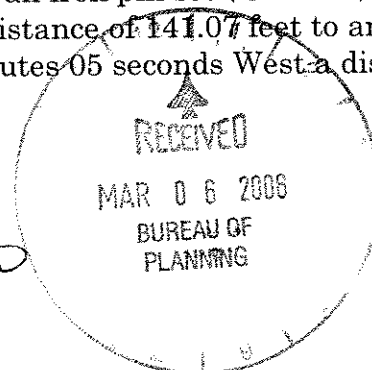


BEGINNING at an iron pin set (½" rebar) at the southeast Right-of-Way Intersection of Kingsboro Road (Right of Way Varies) and Oak Valley Road (Right of Way varies); thence North 65 degrees 14 minutes 40 seconds East a distance of 79.00 feet to an iron pin found (3/8" rebar); thence South 25 degrees 14 minutes 54 seconds East a distance of 148.41 feet to an iron pin found (½" rebar); thence North 65 degrees 09 minutes 00 seconds East a distance of 80.34 feet to an iron pin set (½" rebar); thence North 65 degrees 13 minutes 49 seconds East a distance of 78.09 feet to an iron pin set (½" rebar); thence, along the arc of a curve to the left a distance of 88.57 feet said arc having a radius of 251.44 feet and being subtended by a chord with a bearing and distance of South 39 degrees 55 minutes 58 seconds East 88.12 feet to a point; thence South 57 degrees 42 minutes 20 seconds East a distance of 56.10 feet to a point; thence South 58 degrees 00 minutes 47 seconds East a distance of 117.98 feet to a point; thence South 57 degrees 34 minutes 57 seconds East a distance of 127.73 feet to a point; thence South 57 degrees 38 minutes 49 seconds East a distance of 64.91 feet to an iron pin set (½" rebar); thence North 34 degrees 39 minutes 23 seconds East a distance of 56.75 feet to an iron pin set (½" rebar); thence North 34 degrees 39 minutes 23 seconds East a distance of 232.55 feet to an iron pin found (½" rebar); thence South 84 degrees 24 minutes 36 seconds East a distance of 28.35 feet to an iron pin found (½" rebar); thence North 33 degrees 29 minutes 55 seconds West a distance of 426.77 feet to an iron pin set (½" rebar); thence North 59 degrees 30 minutes 37 seconds East a distance of 43.86 feet to a point; thence North 66 degrees 38 minutes 12 seconds East a distance of 13.93 feet to an iron pin set (½" rebar); thence South 34 degrees 57 minutes 51 seconds East a distance of 420.45 feet to a point; thence North 49 degrees 38 minutes 38 seconds East a distance of 174.26 feet to an iron pin set (½" rebar); thence South 42 degrees 23 minutes 52 seconds East a distance of 167.49 feet to an iron pin set (½" rebar); thence South 10 degrees 08 minutes 21 seconds West a distance of 28.77 feet to an iron pin set (½" rebar); thence South 47 degrees 36 minutes 40 seconds West a distance of 57.18 feet to an iron pin set (½" rebar); thence South 42 degrees 25 minutes 13 seconds East a distance of 22.08 feet to an iron pin set (½" rebar); thence North 47 degrees 36 minutes 40 seconds East a distance of 56.97 feet to an iron pin set (½" rebar); thence South 42 degrees 33 minutes 43 seconds East a distance of 60.92 feet to an iron pin set (½" rebar); thence North 80 degrees 00 minutes 41 seconds East a distance of 27.78 feet to an iron pin set (½" rebar); thence, along the arc of a curve to the left a distance of 84.50 feet said arc having a radius of 539.52 feet and being subtended by a chord with a bearing and distance of South 49 degrees 35 minutes 31 seconds East 84.41 feet to a point; thence, along the arc of a curve to the left a distance of 86.03 feet said arc having a radius of 539.53 feet and being subtended by a chord with a bearing and distance of South 58 degrees 38 minutes 26 seconds East 85.94 feet to a point; thence, along the arc of a curve to the right a distance of 7.50 feet said arc having a radius of 283.46 feet and being subtended by a chord with a bearing and

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distance of South 62 degrees 27 minutes 32 seconds East 7.50 feet to a point; thence, along the arc of a curve to the right a distance of 22.01 feet said arc having a radius of 283.46 feet and being subtended by a chord with a bearing and distance of South 59 degrees 28 minutes 35 seconds East 22.00 feet to a point; thence, along the arc of a curve to the left a distance of 12.44 feet said arc having a radius of 307.09 feet and being subtended by a chord with a bearing and distance of South 58 degrees 25 minutes 30 seconds East 12.44 feet to a point; thence, along the arc of a curve to the left a distance of 85.46 feet said arc having a radius of 307.9 feet and being subtended by a chord with a bearing and distance of South 67 degrees 33 minutes 31 seconds East 85.19 feet to a point; thence South 75 degrees 31 minutes 53 seconds East a distance of 67.34 feet to a point; thence, along the arc of a curve to the right a distance of 150.05 feet said arc having a radius of 4198.04 feet and being subtended by a chord with a bearing and distance of South 74 degrees 30 minutes 31 seconds East 150.04 feet to an iron pin set ($\frac{1}{2}$ " rebar); thence South 24 degrees 04 minutes 49 seconds East a distance of 65.92 feet to an iron pin set ($\frac{1}{2}$ " rebar); thence, along the arc of a curve to the right a distance of 227.29 feet said arc having a radius of 365.00 feet and being subtended by a chord with a bearing and distance of South 43 degrees 59 minutes 22 seconds West 223.64 feet to a point; thence South 61 degrees 44 minutes 51 seconds West a distance of 401.80 feet to an iron pin set ($\frac{1}{2}$ " rebar); thence North 28 degrees 15 minutes 17 seconds West a distance of 40.00 feet to a point; thence, along the arc of a curve to the left a distance of 231.07 feet said arc having a radius of 342.75 feet and being subtended by a chord with a bearing and distance of North 47 degrees 32 minutes 24 seconds West 226.72 feet to a point; thence, along the arc of a curve to the right a distance of 55.23 feet said arc having a radius of 257.00 feet and being subtended by a chord with a bearing and distance of North 60 degrees 41 minutes 00 seconds West 55.12 feet to a point; thence South 86 degrees 40 minutes 49 seconds West a distance of 43.51 feet to an iron pin set ($\frac{1}{2}$ " rebar); thence North 37 degrees 43 minutes 00 seconds west a distance of 89.70 feet to an iron pin set ($\frac{1}{2}$ " rebar); thence North 37 degrees 46 minutes 48 seconds West a distance of 12.72 feet to an iron pin set ($\frac{1}{2}$ " rebar); thence South 65 degrees 02 minutes 31 seconds West a distance of 42.74 feet to an iron pin set ($\frac{1}{2}$ " rebar); thence South 45 degrees 12 minutes 08 seconds East a distance of 24.50 feet to a point; thence South 65 degrees 09 minutes 37 seconds West a distance of 365.05 feet to a point; thence South 64 degrees 59 minutes 20 seconds West a distance of 200.00 feet to a point; thence North 24 degrees 54 minutes 28 seconds West a distance of 22.42 feet to a point; thence North 24 degrees 54 minutes 28 seconds West a distance of 277.29 feet to a point; thence North 24 degrees 55 minutes 43 seconds West a distance of 100.07 feet to a point; thence North 24 degrees 49 minutes 56 seconds West a distance of 100.55 feet to an iron pin set ($\frac{1}{2}$ " rebar); thence North 63 degrees 18 minutes 53 seconds East a distance of 9.86 feet to an iron pin set ($\frac{1}{2}$ " rebar); thence North 24 degrees 47 minutes 36 seconds West a distance of 141.07 feet to an iron pin found ($\frac{1}{2}$ " rebar); thence North 25 degrees 15 minutes 05 seconds West a distance of 147.79 feet to the POINT OF BEGINNING.

2-06-30



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CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION
BY CITY UTILITIES COMMITTEE

06-2 -0211

A RESOLUTION AUTHORIZING TRELCOM DEVELOPMENT, LTD., A FLORIDA LIMITED PARTNERSHIP, AND GARY BROCK TO FILE A ZONING APPLICATION ON PROPERTY LOCATED WITHIN THE UNIMPROVED PORTION OF LAKESIDE DRIVE LOCATED IN LAND LOT 9 OF THE 17TH DISTRICT, AS MORE PARTICULARLY DESCRIBED IN ATTACHED EXHIBIT "A".

WHEREAS, Trelcom Development, LTD, a Florida Limited Partnership, and Gary Brock (hereinafter "Applicants") propose to submit a zoning application to rezone land in land lot 9 of the 17th district (hereinafter the "Proposed Rezoning"); and

WHEREAS, the site plan which is proposed to be submitted in connection with the Proposed Rezoning includes unimproved land within the City of Atlanta right-of-way known as Lakeside Drive as more particularly shown in the attached Exhibit "A" (hereinafter the "Subject Property"); and

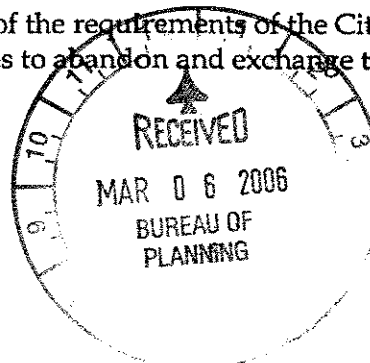
WHEREAS, the City of Atlanta Zoning Ordinance Section 16-27.002(1) requires that rezoning applications must be made by the owner of the subject property or the owner's authorized agent; and

WHEREAS, in order to file the Proposed Rezoning with the site plan containing portions of the right-of-way of Lakeside Drive, the City of Atlanta must authorize the Applicants to do so; and

WHEREAS, it is in the public interest to allow the Proposed Rezoning to be filed, heard and considered by the City of Atlanta; and

WHEREAS, the Applicants propose to file an application with the City of Atlanta to abandon the "Subject Property" (hereinafter "Proposed Abandonment"); and

WHEREAS, the Applicants are aware of the requirements of the City of Atlanta Code of Laws regarding the procedures to abandon and exchange the Subject Property; and



2-06-30



WHEREAS, the Director of Public Works has no opposition to authorizing the Proposed Rezoning simply to allow consideration of the Proposed Rezoning and Street Abandonment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Commissioner of the Department of Public Works or the Director of Procurement is hereby authorized to execute the form entitled "Authorization By Property Owner" contained in the Application For Rezoning provided by the Bureau of Planning authorizing the Applicants to file an application to rezone the Subject Property.

BE IT FURTHER RESOLVED that this authorization does not, in any way, indicate or imply any view, predisposition or position by the governing authority of the City of Atlanta on the merits or demerits of the Proposed Rezoning and Proposed Street Abandonment and absolutely no such view, predisposition or position by the governing authority of the City of Atlanta shall be inferred by the Applicants from this Resolution and each application shall be reviewed solely on the merits of its respective facts.

BE IT FURTHER RESOLVED that the fact that the Director of Public Works is not opposed to allowing the abandonment and rezoning papers to travel simultaneously is not an acceptance or approval of the actual abandonment request.

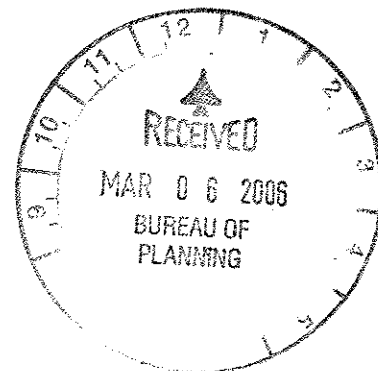
A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

Jan 17, 2006

Jan 24, 2006



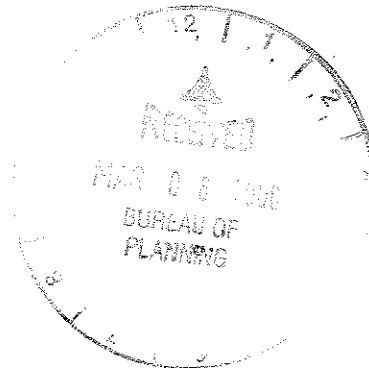
2-06-30

**LEGAL DESCRIPTION
AREA OF ABANDONMENT**

All that tract or parcel of land lying and being in Land Lot 9, 17TH District, Fulton County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the southern right-of-way of Lakeside Drive, having a variable width right-of-way, and the northern right-of-way of Wright Avenue, having a variable width right-of-way, thence following the southerly right-of-way of Lakeside Drive North 45 degrees 12 minutes 08 seconds West a distance of 24.50 feet to the **TRUE POINT OF BEGINNING**, thence from the **TRUE POINT OF BEGINNING** as thus established North 65 degrees 02 minutes 31 seconds East a distance of 42.74 feet to a point; thence North 37 degrees 46 minutes 48 seconds West a distance of 86.89 feet to a point; thence North 42 degrees 05 minutes 05 seconds West a distance of 109.88 feet to a point; thence North 49 degrees 34 minutes 44 seconds West a distance of 69.90 feet to a point; thence South 34 degrees 39 minutes 23 seconds West a distance of 20.97 feet to a point; thence, along the arc of a curve to the right a distance of 37.98 feet said arc having a radius of 57.00 feet and being subtended by a chord with a bearing and distance of South 15 degrees 52 minutes 51 seconds West 37.28 feet to a point; thence South 57 degrees 38 minutes 49 seconds East a distance of 44.35 feet to a point; thence South 40 degrees 38 minutes 30 seconds East a distance of 103.77 feet to a point; thence South 45 degrees 12 minutes 08 seconds East a distance of 82.32 feet to a point; **The Point of Beginning.**

Said tract or parcel of land contains 12330 square feet or 0.28 acres .



January 6, 2006

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